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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/993,443	11/19/2001	Joseph Honein	IM 1725 CON	7890

7590 11/03/2004
Kenneth H. Johnson
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Houston, TX 77263

EXAMINER

CHIN SHUE, ALVIN C

ART UNIT	PAPER NUMBER
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3634

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Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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0999443

EXAMINER

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Commissioner for Patents

Alvin C. Chin-Shue
Examiner
Art Unit: 3634



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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/993,443
Filing Date: November 19, 2001
Appellant(s): HONEIN, JOSEPH

attorney Johnson
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 13 August 2004.

A statement identifying the real party in interest is contained in the brief.

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

The statement of the status of the claims contained in the brief is correct.

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

The summary of invention contained in the brief is correct.

The appellant's statement of the issues in the brief is correct.

Appellant's brief includes a statement that claims 11-13 and claims 14-16 do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

The copy of the appealed claims contained in the Appendix to the brief is correct.

2,567,191	Anguera	9-1951
2,650,395	Anguera	12-1948

3,992,767	Lewis	9-1991
JP 01267002 A	Anglehart (Japan)	10-1989

Claims 11-16 are rejected under 35 U.S.C. 103 (b). This rejection is set forth in a prior Office Action, mailed on 3.9.04.

ARGUMENTS

With respect to claim 11, under THE ANALYSIS, Appellant argues that Anguera '191 does teach the required steps 1-5. The examiner disagrees, as Anguera '191 teaches the stated required steps;

- 1). Teaches the step of positioning a plurality of wooden boards in side-by-side abutment , -- see figs. 13 and 22, column 2, lines 50-54 and column 8, lines 47-49.
- 2). Teaches compressing the boards vertically, note clamps 53 in fig.13.
- 3). Teaches concurrently compressing the boards transversely, note clamp 34 in fig.13, and column 3, lines 47-70.
- 4). Fig. 22 shows three helical pins which are embedded transversely through the boards., also note column 8, lines 0,561. Appellant also agreed that both Anguera '191 and Appellant use the same pins.

5). Note the final product.

The claimed difference between step 1) and the claimed invention is cross sectional dimension of the wood boards. Both Larsen and Anguera '395 show a plurality of boards wherein the height of the boards are the smallest dimension. Larsen or Anguera '395 were not used to cure any other deficiency, as argues by Appellant, other than the claimed cross section of the boards.

With respect to steps 2) and 3), Appellant argues that Anguera' 191 does not disclose any degree of compression. It is noted that clamping, as taught by Anguera' 191, inherently provide some degree of compression.


With respect to the drilling axis and the pin axis being substantially aligned, this method is taught by Lewis. On page 8 of the Arguments, Appellant agrees that Lewis teaches this method. Therefore, the claimed method would have been obvious in view of the modified device of Anguera '191.

With respect to Group II, claim 14, the claimed difference between Group I, claim 11, and Group II, claim 14, is the wood grain of the wooden plank sections (wooden boards) having alternating directions. The difference to be resolved between the claimed invention and Anguera' 191 as modified by either Larsen or Anguera '395, is that of positioning the wood grains of adjacent sections in

opposite directions. Anglehart teaches the method of positioning the wood grains of adjacent wooden boards in the opposite direction to resist warping (strengthening his composite structure), therefore, Anglehart is an analogous art, and it is deemed proper for one of ordinary skill in the art to appreciate the teachings of analogous arts to resolve the difference at hand. Therefore, the claimed invention would have been obvious in view of the modified device of Anguera' 191.


For the above reasons, it is believed that the rejections should be sustained.


Respectfully submitted,


Alvin C. Chin-Shue
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ACS
November 1, 2004

Conferees

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